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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,225	03/31/2004	Jacky Todd Oldham	1202P-000379	7180
27572	7590	05/26/2005	EXAMINER	
HARNES, DICKEY & PIERCE, P.L.C.			TRETTEL, MICHAEL	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			3673	

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,225

Applicant(s)

OLDHAM, JACKY TODD

Examiner

Michael Trettel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 to 5, 7, 8, 10 to 17, and 19 to 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Arai (US 3,036,864). Arai shows a fixing device used to attach a backrest, armrest, or leg structure to the base section 3 of a chair assembly. The base section 3 is formed as a seat with cushions on an upper surface and plural retaining sockets 14 attached to the underside of the base section and arranged along the side and back edges of the base section. Armrest 2 with cushion members 4 can be attached to the base section 3 by means of spring elements 15 that engage the sockets 14. A pair of spring elements 15 are received within the interior of the arm rest 2 and include a distal end which is engaged in a socket 10 formed inside the arm rest. Arms 16 extend at a right angle with respect to the arm rest 2 and terminate in extensions 17 which engage apertures 13 formed in the sockets 14. An arm rest can be attached or detached by pushing the arms 16 together and then slipping them into or out of the sockets 14. A back section 1 with a cushion member can also be attached to the base section 3 in a similar fashion.

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Claims 1 to 8 and 10 to 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Richardson (US 2,815,067). Richardson shows a chair construction that comprises a base unit 20 with a seat pad and a plurality of channel grooves 30, 31, 32 formed upon a base portion 25. The channels grooves are formed within a base plate 28 and extend to the edge of the plate, with a second base plate 26 being spot welded in place over the first plate 28 to enclose the grooves. Threaded bores 35a are formed in second plate 26 over the grooves 30-32 and allow thumbscrews 35 to be threaded into place over the grooves. The grooves receive support elements 40, which are bent at a right angle and can be used to attach a back rest, arm rest, or legs to the base unit 20. Note that the support elements 40 can be pushed into the base plate so that they are directly adjacent to the base unit 20, and thereby engage the seat cushion attached to the base unit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Richardson (US 2,815,067) or Arai (US 3,036,864). The examiner notes that it is well known in the art to construct a love seat by doubling the width of a chair and its corresponding structure. It would have been obvious to the skilled artisan to have used either of the backrest/armrest attaching

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systems shown by Aria or Richardson as a means to attach a pair of backrests to a seat base in order to create a love seat, since this is no more than a duplication of parts.

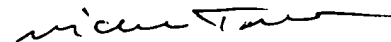
Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mintz, Martinez, Kanai et al, and Smith et al show chairs and sofas with detachable backrests/armrests of general interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is (571) 272-7052. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (571) 272-7052. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Michael Trettel
Primary Examiner
Art Unit 3673